

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 1/27/2021

United States of America,

—v—

Christian Cardenas,

Defendant.

17-cr-339 (AJN)

ORDER

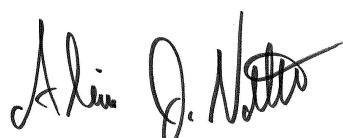
ALISON J. NATHAN, District Judge:

The Court received the attached pro se motion for compassionate release by mail. The Court has redacted portions of the exhibits that refer to Mr. Cardenas's medical information. The unredacted version will be provided to counsel and filed under seal.

Pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, and the discretion of the Court, the Court hereby appoints Karloff C. Commissiong to represent Mr. Cardenas in connection with his motion for compassionate release. Within three weeks, Mr. Commissiong should file a supplemental submission on behalf of Mr. Cardenas or inform the Court that he requires more time to do so. The Government shall respond within two weeks of the supplemental submission, and Mr. Commissiong shall have one week from the date of Government's response to reply.

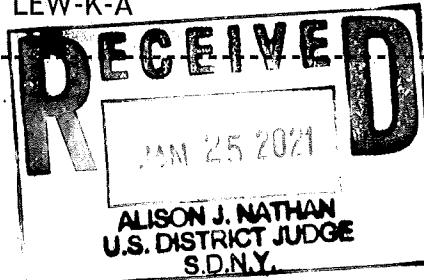
SO ORDERED.

Dated: January 27, 2021  
New York, New York

  
ALISON J. NATHAN  
United States District Judge

TRULINCS 79231054 - CARDENAS, CHRISTIAN - Unit: LEW-K-A

FROM: 79231054  
TO:  
SUBJECT: Motion  
DATE: 01/12/2021 03:21:02 PM



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHRISTIAN CARDENAS

V

UNITED STATES OF AMERICA

CASE# 17 CR-339

Here come Christian Cardenas Pro Se motion for compassionate release.

To the Honorable Judge Alison J. Nathan. I'm filing a motion for reduction in sentence under the First Step Act 3582 (c)(1)(A) (i) for extraordinary and compelling reasons. I have exhausted my administrative remedies (BP9). I will send a copy of the Warden's denial to your Honor, and the government.

There has been a massive outbreak of Covid-19 cases at Camp Lewisburg PA with over 90 cases between inmate and staff. To verify go to [www.bop.gov/coronavirus](http://www.bop.gov/coronavirus). Detention facilities have even greater risk of infectious spread because of conditions of crowding, the proportion of vulnerable people detained, and often scant medical care. People live in close quarters and are also subject to security measures which prohibit successful "social distancing" that is needed to effectively prevent the spread of Covid-19. Toilets, sinks, (telephones) and showers are shared, without disinfection between use. Food preparation is communal, with little opportunity for surface disinfection. The crowded conditions, in both sleeping areas and social areas, and the shared objects (bathrooms, sink, ect.) facilitate transmission. Michael Pabon v United States 2020 U.S. Dist. Lexis 78245

I have never tested positive for COVID-19, and I'm still highly vulnerable to any future infection. I suffer from hypertension (High Blood Pressure) that I take medicine (Amlodipine and Lisinopril) for and I am pre-diabetic. The CDC reports that "people with diabetes, high blood pressure or severe obesity are more likely to experience dangerous symptoms if infected with Covid-19" and "nearly 90% of adult patients hospitalized with Covid-19 in the U.S. had one or more underlying diseases" and out of those patients 49.7% of them had hypertension 28.3% of them had diabetes. Michael Pabon v United States 2020 U.S. Lexis 78245

When I came to prison in June 2017 I weighed 172 pounds, I now weigh 142 pounds because of stress and depression. I have spent over 9 months on 24 hour lockdown between transfers from 3 different prisons and security disciplinary lockdown because of other inmates. After 15 months in MDC Brooklyn I went to F.C.I. Hazelton medium where I spent 8 months then went to Devens Medical Center low where I spent 14 months. I am now at Camp Lewisburg PA. The B.O.P. classified me as out custody, and not a danger to the community. The B.O.P. as my recidivism at a "low" that make me less likely to come back to prison.

I have no violence in my criminal record and I do not have a substantial criminal history. The only time I spent in prison before this case was a 4 month misdemeanor for possession of cocaine.

I have completed the Non-Residential Drug Abuse Program, Drug Education class, Creating a Resume class, Employment Program "On the Job Skills", and Money Smart class. These programs will help me in the future to seek employment and help me stay away from drug use and drug activity. Currently, I am enrolled in the GED program. During the testing phase the Covid-19 pandemic started and classes were shut down. I was only able to pass the Social Studies test.

I have done over half of my 96 month sentence without a single disciplinary infraction. On 1/5/21 I was accepted to the RDAP drug abuse program. Through out my time in prison I have worked in laundry and food service at M.D.C Brooklyn. Then at Hazelton Medium F.C.I. I worked in food service. In Devens Medical Center I was the Unit (J-B) orderly. I came to Camp Lewisburg on 11/2/21, and I'm waiting to be employed.

If I am to be released I will be going home, to Astoria Queens NY to live with my wife, my 9 year old daughter and with my 78 year old mother. I also have a plan for a job with Land Appliances 5725 Foster Avenue Brooklyn N.Y. 11234 Phone # (718)-531-8641 Fax# (718)- 531- 8681

#### CERTIFICATE OF SERVICE

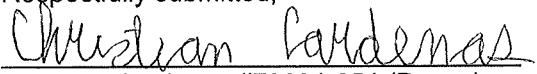
I Christian Cardenas hereby certify this motion and exhibits are true and accurate; henceforth mailed to the Clerk of The Court

TRULINCS 79231054 - CARDENAS, CHRISTIAN - Unit: LEW-K-A

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and USAO, on January 12, 2021.

The Honorable Alison J. Nathan  
United States District Judge  
Southern District of New York  
500 Pearl street New York, Ny  
10007 Clerk Office  
Respectfully submitted,



Christian Cardenas #79231-054 (Pro se)

United States Attorney's Office  
Southern District of New York  
One St. Andrew's Plaza  
New York, Ny 10007

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Cardenas Christian LAST NAME, FIRST, MIDDLE INITIAL      79231-054 REG. NO.      1 UNIT      Lewisburg INSTITUTION

## Part A- INMATE REQUEST

I am requesting compassionate release pursuant to 18 U.S.C. 3582 (c)(1)(A) that authorizes you to release me based on extraordinary and compelling reasons. I suffer from hypertension and I'm prediabetic. I've lost 20 pounds from depression, all of this put me at fatal risk for Covid 19.

Thank You and a great day

12-7-20

DATE

Christian Cardenas

SIGNATURE OF REQUESTER

## Part B- RESPONSE

RECEIVED

DEC 10 2020

ADMIN REMEDY CLERK  
USP LEWISBURG

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 1060264-F1

CASE NUMBER: \_\_\_\_\_

## Part C- RECEIPT

Return to: \_\_\_\_\_ LAST NAME, FIRST, MIDDLE INITIAL \_\_\_\_\_ REG. NO. \_\_\_\_\_ UNIT \_\_\_\_\_ INSTITUTION \_\_\_\_\_

SUBJECT: \_\_\_\_\_

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

USP LVN



PRINTED ON RECYCLED PAPER

BP-229(13)  
APRIL 1982

Admin. Remedy No.: 1060264-F1

Part B- Response

**ADMINISTRATIVE REMEDY RESPONSE**

This is in response to your request for Administrative Remedy received on December 10, 2020, wherein you request a Compassionate Release due to the COVID-19 pandemic.

Title 18 of the United States Code, section 3582(c)(1)(A), allows a sentencing court, on motion of the Director of the BOP, to reduce a term of imprisonment for extraordinary or compelling reasons. BOP Program Statement No. 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), provides guidance on the types of circumstances that present extraordinary or compelling reasons, such as the inmate's terminal medical condition; debilitated medical condition; status as a "new law" elderly inmate, an elderly inmate with medical conditions, or an "other elderly inmate"; the death or incapacitation of the family member caregiver of the inmate's child; or the incapacitation of the inmate's spouse or registered partner.

A review of this matter revealed you do not meet the criteria for a Compassionate Release.

The BOP is taking extraordinary measures to contain the spread of COVID-19 and treat any affected inmates. We recognize that you, like all of us, have legitimate concerns and fears about the spread and effects of the virus. However, your concern about being potentially exposed to, or possibly contracting, COVID-19 does not currently warrant an early release from your sentence. Accordingly, your RIS request is denied.

If you are dissatisfied with this response, you may appeal to the Regional Director, United States Federal Bureau of Prisons, Northeast Regional Office, United States Customs House - Seventh Floor, Second and Chestnut Streets, Philadelphia, PA 19106, within twenty (20) calendar days from the date of this response.

12/14/20  
\_\_\_\_\_  
Date

RADM S. Spaulding, Warden





























# NON-RESIDENTIAL DRUG ABUSE PROGRAM

## CERTIFICATE OF COMPLETION

This is to certify that

**Christian Cardenas**

Register No. 79231-054

has completed

4-months of weekly non-residential drug abuse counseling.

This certificate is hereby issued this 15<sup>th</sup> day of May, 2018.

*J McCabe, Ph.D.*

J McCabe, Ph.D.

Staff Psychologist

Metropolitan Detention Center, Brooklyn

*Nina Barrett, MA, CASAC*

Nina Barrett, MA, CASAC

Drug Abuse Treatment Specialist

Metropolitan Detention Center, Brooklyn

# FEDERAL BUREAU OF PRISONS

FMC DEVENS

THIS CERTIFIES THAT

**CHRISTIAN CARDENAS**

REG. #79231-054

HAS SUCCESSFULLY COMPLETED THE REQUIREMENTS FOR THE

## DRUG EDUCATION CLASS

SEPTEMBER 10, 2019

THE DRUG EDUCATION COURSE IS A MINIMUM OF 12 HOURS. THE GOAL OF THIS PROGRAM IS TO HELP THE OFFENDER TO MAKE AN ACCURATE EVALUATION OF THE CONSEQUENCES OF HIS ALCOHOL/DRUG USE AND CONSIDER THE NEED FOR TREATMENT

  
M. Park, Psy.D.

  
H. Lindgren, M.A.  
Drug Abuse Program Coordinator

Drug Treatment Specialist



# Creating a Resume

for successfully completing 5 hours of RPP classroom study in

*Christina Chardema*

on January 31, 2020

The Education Department at the Federal Medical Center, Devens  
is pleased to present this certificate to

*Certificate of Completion*

Mr. Goffen, RPP Coordinator

# *Certificate of Completion*

The Education Department at the Federal Medical Center, Devens

is pleased to present this certificate to

**CHRISTIAN CARDENAS**

on February 14, 2020

for successfully completing 10 hours of RPP classroom study in

**Employment Skills**



Mr. J. Goguen, RPP Coordinator

# *Certificate of Completion*

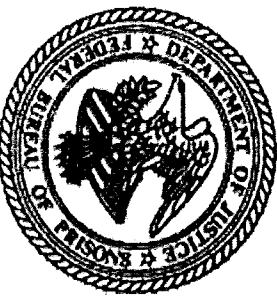
The Education Department at the Federal Medical Center, Devens  
is pleased to present this certificate to

## **Christian Cardenas**

on February 28, 2020

for successfully completing 5 hours of RPP classroom study in

### **THE PATHWAY TO EMPLOYMENT PROGRAM "ON THE JOB SKILLS"**



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Mr. J. Goguen, RPP Coordinator

The Pathway To Employment Program  
A Division of the Bureau of Justice Administration



# *Certificate of Completion*

The Education Department at the Federal Medical Center, Devens  
is pleased to present this certificate to

**CHRISTIAN CARDENAS**

on March 13, 2020

for successfully completing 10 hours of RPP classroom study in

**Money Smart**



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Mr. J. Goguen, RPP Coordinator